

AMENDED IN SENATE APRIL 7, 2015

AMENDED IN SENATE MARCH 17, 2015

AMENDED IN SENATE FEBRUARY 4, 2015

SENATE BILL

No. 12

Introduced by Senator Beall

(Coauthors: Senators ~~Hertzberg~~ Block, Hertzberg, and Wieckowski)

(Coauthors: Assembly Members ~~Chu~~ and ~~Maienschein~~ Chu,
Maienschein, Rodriguez, and Waldron)

December 1, 2014

An act to amend Sections 303, 388, 388.1, 450, 607.2, 11400, 11401, 11403, and 11405 of the Welfare and Institutions Code, relating to foster youth.

LEGISLATIVE COUNSEL'S DIGEST

SB 12, as amended, Beall. Foster youth.

Existing law, the California Fostering Connections to Success Act, revises and expands the scope of various programs relating to cash assistance and other services to and for the benefit of certain foster and adopted children, and other children who have been placed in out-of-home care, including children who receive Aid to Families with Dependent Children-Foster Care (AFDC-FC), Adoption Assistance Program, California Work Opportunity and Responsibility to Kids (CalWORKs), and Kinship Guardianship Assistance Payment (Kin-GAP) benefits. Among other provisions, the act extends specified foster care benefits to youth up to 21 years of age, if specified conditions are met.

Existing law defines a nonminor dependent for these purposes as a foster child who is a current dependent child or ward of the juvenile

court, or who is a nonminor under the transition jurisdiction of the juvenile court pursuant to a voluntary reentry agreement, and in accordance with a transitional independent living case plan who has attained 18 years of age while under an order of foster care placement by the juvenile court and is not older than 21 years of age. Existing law defines a nonminor former dependent or ward as a person who meets these criteria who reached 18 years of age while subject to an order for foster care placement, for whom dependency, delinquency, or transition jurisdiction has been terminated, and who is still under the general jurisdiction of the court.

This bill would revise the definition of a nonminor dependent and former nonminor dependent to include ~~a nonminor who was subject to an order for foster care placement at any time before he or she attained 12 years of age and who has not attained 21 years of age.~~ *person who has not attained 21 years of age, if he or she was subject to an order for foster care placement at any time after reaching 14 years of age, was adjudged a ward of the court on the basis of criminal activity, and if the last custody order of the court did not order his or her return to the physical custody of his or her parent or legal guardian, and would also include a person who has not attained 21 years of age, if he or she was subject to an order for foster care placement, was adjudged a ward of the court on the basis of criminal activity, and was in secure confinement.* This bill would make conforming changes to allow a court to assume or resume dependency jurisdiction or transition jurisdiction over a nonminor who satisfies this criteria. Because the bill would expand the application of the above county administered programs, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

SECTION 1. Section 303 of the Welfare and Institutions Code is amended to read:

303. (a) The court may retain jurisdiction over any person who is found to be a ward or a dependent child of the juvenile court until the ward or dependent child attains ~~the age of~~ 21 years of age.

(b) The court shall have within its jurisdiction any nonminor dependent, as defined in subdivision (v) of Section 11400. The court may terminate its dependency, delinquency, or transition jurisdiction over the nonminor dependent between the time the nonminor reaches the age of majority and 21 years of age. If the court terminates dependency, delinquency, or transition jurisdiction, the nonminor dependent shall remain under the general jurisdiction of the court in order to allow for a petition under subdivision (e) of Section 388.

(c) A nonminor who has not yet attained 21 years of age and ~~who was previously under the jurisdiction of the juvenile court subject to an order for foster care placement at any time after attaining 12 years of age,~~ meets any of the following conditions may petition the court pursuant to subdivision (e) of Section 388 to resume dependency jurisdiction over himself or herself or to assume transition jurisdiction over himself or herself pursuant to ~~Section 450.~~ 450:

(1) *He or she existed foster care at or after the age of majority.*

(2) *He or she was subject to an order for foster care placement at any time after reaching 14 years of age, was adjudged a ward of the court pursuant to Section 725, and for whom the last custody order of the court did not order his or her return to the physical custody of his or her parent or legal guardian.*

(3) *He or she was subject to an order for foster care placement, was adjudged a ward of the court pursuant to Section 725, and was held in secure confinement.*

(d) (1) Nothing in this code, including, but not limited to, Sections 340, 366.27, and 369.5, shall be construed to provide legal custody of a person who has attained 18 years of age to the county welfare or probation department or to otherwise abrogate any other rights that a person who has attained 18 years of age may have as an adult under California law. A nonminor dependent

1 shall retain all of his or her legal decisionmaking authority as an
2 adult. The nonminor shall enter into a mutual agreement for
3 placement, as described in subdivision (u) of Section 11400, unless
4 the nonminor dependent is incapable of making an informed
5 agreement, or a voluntary reentry agreement, as described in
6 subdivision (z) of Section 11400, for placement and care in which
7 the nonminor consents to placement and care in a setting supervised
8 by, and under the responsibility of, the county child welfare
9 services department, the county probation department, or Indian
10 tribe, tribal organization, or consortium of tribes that entered into
11 an agreement pursuant to Section 10553.1.

12 (2) A nonminor dependent who remains under delinquency
13 jurisdiction in order to complete his or her rehabilitative goals and
14 is under a foster care placement order is not required to complete
15 the mutual agreement as described in subdivision (u) of Section
16 11400. His or her adult decisionmaking authority may be limited
17 by and subject to the care, supervision, custody, conduct, and
18 maintenance orders as described in Section 727.

19 (e) Unless otherwise specified, the rights of a dependent child
20 and the responsibilities of the county welfare or probation
21 department, or tribe, and other entities, toward the child and family,
22 shall also apply to nonminor dependents.

23 SEC. 2. Section 388 of the Welfare and Institutions Code is
24 amended to read:

25 388. (a) (1) Any parent or other person having an interest in
26 a child who is a dependent child of the juvenile court or a nonminor
27 dependent as defined in subdivision (v) of Section 11400, or the
28 child himself or herself or the nonminor dependent through a
29 properly appointed guardian may, upon grounds of change of
30 circumstance or new evidence, petition the court in the same action
31 in which the child was found to be a dependent child of the juvenile
32 court or in which a guardianship was ordered pursuant to Section
33 360 for a hearing to change, modify, or set aside any order of court
34 previously made or to terminate the jurisdiction of the court. The
35 petition shall be verified and, if made by a person other than the
36 child or the nonminor dependent shall state the petitioner's
37 relationship to or interest in the child or the nonminor dependent
38 and shall set forth in concise language any change of circumstance
39 or new evidence that is alleged to require the change of order or
40 termination of jurisdiction.

1 (2) When any party, including a child who is a dependent of the
2 juvenile court, petitions the court prior to an order terminating
3 parental rights, to modify the order that reunification services were
4 not needed pursuant to paragraphs (4), (5), and (6) of subdivision
5 (b) of Section 361.5, or to modify any orders related to custody or
6 visitation of the subject child, and the court orders a hearing
7 pursuant to subdivision (d), the court shall modify the order that
8 reunification services were not needed pursuant to paragraphs (4),
9 (5), and (6) of subdivision (b) of Section 361.5, or any orders
10 related to the custody or visitation of the child for whom
11 reunification services were not ordered pursuant to paragraphs (4),
12 (5), and (6) of subdivision (b) of Section 361.5, only if the court
13 finds by clear and convincing evidence that the proposed change
14 is in the best interests of the child.

15 (b) (1) Any person, including a child or a nonminor dependent
16 who is a dependent of the juvenile court, may petition the court to
17 assert a relationship as a sibling related by blood, adoption, or
18 affinity through a common legal or biological parent to a child
19 who is, or is the subject of a petition for adjudication as, a
20 dependent of the juvenile court, and may request visitation with
21 the dependent child, placement with or near the dependent child,
22 or consideration when determining or implementing a case plan
23 or permanent plan for the dependent child or make any other
24 request for an order which may be shown to be in the best interest
25 of the dependent child.

26 (2) A child or nonminor dependent who is a dependent of the
27 juvenile court may petition the court to assert a relationship as a
28 sibling related by blood, adoption, or affinity through a common
29 legal or biological parent to a child who is in the physical custody
30 of a common legal or biological parent, and may request visitation
31 with the nondependent sibling in parental custody.

32 (3) Pursuant to subdivision (b) of Section 16002, a request for
33 sibling visitation may be granted unless it is determined by the
34 court that sibling visitation is contrary to the safety and well-being
35 of any of the siblings.

36 (4) The court may appoint a guardian ad litem to file the petition
37 for a dependent child asserting a sibling relationship pursuant to
38 this subdivision if the court determines that the appointment is
39 necessary for the best interests of the dependent child. The petition
40 shall be verified and shall set forth the following:

1 (A) Through which parent he or she is related to the sibling.

2 (B) Whether he or she is related to the sibling by blood,
3 adoption, or affinity.

4 (C) The request or order that the petitioner is seeking.

5 (D) Why that request or order is in the best interest of the
6 dependent child.

7 (c) (1) Any party, including a child who is a dependent of the
8 juvenile court, may petition the court, prior to the hearing set
9 pursuant to subdivision (f) of Section 366.21 for a child described
10 by subparagraph (A) of paragraph (1) of subdivision (a) of Section
11 361.5, or prior to the hearing set pursuant to subdivision (e) of
12 Section 366.21 for a child described by subparagraph (B) or (C)
13 of paragraph (1) of subdivision (a) of Section 361.5, to terminate
14 court-ordered reunification services provided under subdivision
15 (a) of Section 361.5 only if one of the following conditions exists:

16 (A) It appears that a change of circumstance or new evidence
17 exists that satisfies a condition set forth in subdivision (b) or (e)
18 of Section 361.5 justifying termination of court-ordered
19 reunification services.

20 (B) The action or inaction of the parent or guardian creates a
21 substantial likelihood that reunification will not occur, including,
22 but not limited to, the parent's or guardian's failure to visit the
23 child, or the failure of the parent or guardian to participate regularly
24 and make substantive progress in a court-ordered treatment plan.

25 (2) In determining whether the parent or guardian has failed to
26 visit the child or participate regularly or make progress in the
27 treatment plan, the court shall consider factors that include but are
28 not limited to, the parent's or guardian's incarceration,
29 institutionalization, detention by the United States Department of
30 Homeland Security, deportation, or participation in a court-ordered
31 residential substance abuse treatment program.

32 (3) The court shall terminate reunification services during the
33 above-described time periods only upon a finding by a
34 preponderance of evidence that reasonable services have been
35 offered or provided, and upon a finding of clear and convincing
36 evidence that one of the conditions in subparagraph (A) or (B) of
37 paragraph (1) exists.

38 (4) Any party, including a nonminor dependent, as defined in
39 subdivision (v) of Section 11400, may petition the court prior to
40 the review hearing set pursuant to subdivision (d) of Section 366.31

1 to terminate the continuation of court-ordered family reunification
2 services for a nonminor dependent who has attained 18 years of
3 age. The court shall terminate family reunification services to the
4 parent or guardian if the nonminor dependent or parent or guardian
5 are not in agreement that the continued provision of court-ordered
6 family reunification services is in the best interests of the nonminor
7 dependent.

8 (5) If the court terminates reunification services, it shall order
9 that a hearing pursuant to Section 366.26 be held within 120 days.
10 On and after January 1, 2012, a hearing pursuant to Section 366.26
11 shall not be ordered if the child is a nonminor dependent. The court
12 may order a nonminor dependent who is otherwise eligible to
13 AFDC-FC benefits pursuant to Section 11403 to remain in a
14 planned, permanent living arrangement.

15 (d) If it appears that the best interests of the child or the
16 nonminor dependent may be promoted by the proposed change of
17 order, modification of reunification services, custody, or visitation
18 orders concerning a child for whom reunification services were
19 not ordered pursuant to paragraphs (4), (5), and (6) of subdivision
20 (b) of Section 361.5, recognition of a sibling relationship,
21 termination of jurisdiction, or clear and convincing evidence
22 supports revocation or termination of court-ordered reunification
23 services, the court shall order that a hearing be held and shall give
24 prior notice, or cause prior notice to be given, to the persons and
25 in the manner prescribed by Section 386, and, in those instances
26 in which the manner of giving notice is not prescribed by those
27 sections, then in the manner the court prescribes.

28 (e) (1) A nonminor who ~~attained 12 years of age while subject~~
29 ~~to an order for foster care placement and who has not attained 21~~
30 ~~years of age for whom the court has dismissed dependency~~
31 ~~jurisdiction pursuant to Section 391, or delinquency jurisdiction~~
32 ~~pursuant to Section 607.2, or transition jurisdiction pursuant to~~
33 ~~Section 452, but has retained general jurisdiction under subdivision~~
34 ~~(b) of Section 303, meets one of the criteria in subparagraph (A)~~
35 ~~to (C), inclusive, or the county child welfare services, probation~~
36 ~~department, or tribal placing agency on behalf of the nonminor,~~
37 ~~may petition the court in the same action in which the child was~~
38 ~~found to be a dependent or delinquent child of the juvenile court,~~
39 ~~for a hearing to resume the dependency jurisdiction over a former~~
40 ~~dependent or to assume or resume transition jurisdiction over a~~

1 former delinquent ward pursuant to Section 450. The petition shall
2 be filed within the period that the nonminor is of the age described
3 in this paragraph. If the nonminor has completed the voluntary
4 reentry agreement, as described in subdivision (z) of Section 11400,
5 with the placing agency, the agency shall file the petition on behalf
6 of the nonminor within 15 judicial days of the date the agreement
7 was signed unless the nonminor elects to file the petition at an
8 earlier date. *This subdivision applies to a nonminor who meets any*
9 *of the following criteria:*

10 (A) *He or she attained 18 years of age while subject to an order*
11 *for foster care placement and who has not attained 21 years of*
12 *age for whom the court has dismissed dependency jurisdiction*
13 *pursuant to Section 391, or delinquency jurisdiction pursuant to*
14 *Section 607.2, or transition jurisdiction pursuant to Section 452,*
15 *but has retained general jurisdiction under subdivision (b) of*
16 *Section 303.*

17 (B) *He or she has not attained 21 years of age, was subject to*
18 *an order for foster care placement at any time after reaching 14*
19 *years of age, was adjudged a ward of the court pursuant to Section*
20 *725, and for whom the last custody order of the court did not order*
21 *his or her return to the physical custody of his or her parent or*
22 *legal guardian.*

23 (C) *He or she has not attained 21 years of age, was subject to*
24 *an order for foster care placement, was adjudged a ward of the*
25 *court pursuant to Section 725, and was held in secure confinement.*

26 (2) (A) The petition to resume jurisdiction may be filed in the
27 juvenile court that retains general jurisdiction under subdivision
28 (b) of Section 303, or the petition may be submitted to the juvenile
29 court in the county where the youth resides and forwarded to the
30 juvenile court that retained general jurisdiction and filed with that
31 court. The juvenile court having general jurisdiction under Section
32 303 shall receive the petition from the court where the petition
33 was submitted within five court days of its submission, if the
34 petition is filed in the county of residence. The juvenile court that
35 retained general jurisdiction shall order that a hearing be held
36 within 15 judicial days of the date the petition was filed if there is
37 a prima facie showing that the nonminor satisfies the following
38 criteria:

39 (i) ~~He or she was previously under juvenile court jurisdiction,~~
40 ~~subject to an order for foster care placement at any time after the~~

1 youth attained 12 years of age, and has not attained the age limit
2 described in paragraph (1): *meets the criteria of either*
3 *subparagraph (A), (B), or (C) of paragraph (1).*

4 (ii) He or she intends to satisfy at least one of the conditions set
5 forth in paragraphs (1) to (5), inclusive, of subdivision (b) of
6 Section 11403.

7 (iii) He or she wants assistance either in maintaining or securing
8 appropriate supervised placement, or is in need of immediate
9 placement and agrees to supervised placement pursuant to the
10 voluntary reentry agreement as described in subdivision (z) of
11 Section 11400.

12 (B) Upon ordering a hearing, the court shall give prior notice,
13 or cause prior notice to be given, to the persons and by the means
14 prescribed by Section 386, except that notice to parents or former
15 guardians shall not be provided unless the nonminor requests, in
16 writing on the face of the petition, notice to the parents or former
17 guardians.

18 (3) The Judicial Council, by January 1, 2012, shall adopt rules
19 of court to allow for telephonic appearances by nonminor former
20 dependents or delinquents in these proceedings, and for telephonic
21 appearances by nonminor dependents in any proceeding in which
22 the nonminor dependent is a party, and he or she declines to appear
23 and elects a telephonic appearance.

24 (4) Prior to the hearing on a petition to resume dependency
25 jurisdiction or to assume or resume transition jurisdiction, the court
26 shall order the county child welfare or probation department to
27 prepare a report for the court addressing whether the nonminor
28 intends to satisfy at least one of the criteria set forth in subdivision
29 (b) of Section 11403. When the recommendation is for the
30 nonminor dependent to be placed in a setting where minor
31 dependents also reside, the results of a background check of the
32 petitioning nonminor conducted pursuant to Section 16504.5, may
33 be used by the placing agency to determine appropriate placement
34 options for the nonminor. The existence of a criminal conviction
35 is not a bar to eligibility for reentry or resumption of dependency
36 jurisdiction or the assumption or resumption of transition
37 jurisdiction over a nonminor.

38 (5) (A) The court shall resume dependency jurisdiction over a
39 former dependent or assume or resume transition jurisdiction over
40 a former delinquent ward pursuant to Section 450, and order that

1 the nonminor's placement and care be under the responsibility of
2 the county child welfare services department, the probation
3 department, tribe, consortium of tribes, or tribal organization, if
4 the court finds all of the following:

5 (i) ~~The nonminor was previously under juvenile court~~
6 ~~jurisdiction subject to an order for foster care placement at any~~
7 ~~time after he or she attained 12 years of age. meets the criteria of~~
8 *either subparagraph (A), (B), or (C) of paragraph (1) of*
9 *subdivision (e).*

10 (ii) The nonminor has not attained the age limit described in
11 paragraph (1).

12 (iii) Reentry and remaining in foster care are in the nonminor's
13 best interests.

14 (iv) The nonminor intends to satisfy, and agrees to satisfy, at
15 least one of the criteria set forth in paragraphs (1) to (5), inclusive,
16 of subdivision (b) of Section 11403, and demonstrates his or her
17 agreement to placement in a supervised setting under the placement
18 and care responsibility of the placing agency and to satisfy the
19 criteria by signing the voluntary reentry agreement as described
20 in subdivision (z) of Section 11400.

21 (B) In no event shall the court grant a continuance that would
22 cause the hearing to resume dependency jurisdiction or to assume
23 or resume transition jurisdiction to be completed more than 120
24 days after the date the petition was filed.

25 (C) The agency made responsible for the nonminor's placement
26 and care pursuant to subparagraph (A) shall prepare a new
27 transitional independent living case plan within 60 calendar days
28 from the date the nonminor signed the voluntary reentry agreement
29 as described in subdivision (z) of Section 11400 and submit it to
30 the court for the review hearing under Section 366.31, to be held
31 within 70 days of the resumption of dependency jurisdiction or
32 assumption or resumption of transition jurisdiction. In no event
33 shall the review hearing under Section 366.3 be held more than
34 170 calendar days from the date the nonminor signed the voluntary
35 reentry agreement.

36 SEC. 3. Section 388.1 of the Welfare and Institutions Code is
37 amended to read:

38 388.1. (a) On and after January 1, 2014, a nonminor who has
39 not attained 21 years of age may petition the court in which he or
40 she was previously found to be a dependent or delinquent child of

1 the juvenile court for a hearing to determine whether to assume
2 dependency jurisdiction over the nonminor, if he or she meets any
3 of the following descriptions:

4 (1) He or she is a nonminor former dependent, as defined in
5 subdivision (aa) of Section 11400, who received aid after attaining
6 18 years of age under Kin-GAP pursuant to Article 4.5
7 (commencing with Section 11360) or Article 4.7 (commencing
8 with Section 11385) of Chapter 2 of Part 3 of Division 9, or
9 pursuant to subdivision (e) of Section 11405, and whose former
10 guardian or guardians died after the nonminor attained 18 years
11 of age, but before he or she attains 21 years of age.

12 (2) He or she is a nonminor former dependent, as defined in
13 subdivision (aa) of Section 11400, who received aid after attaining
14 18 years of age under Kin-GAP pursuant to Article 4.5
15 (commencing with Section 11360) or Article 4.7 (commencing
16 with Section 11385) of Chapter 2 of Part 3 of Division 9, or
17 pursuant to subdivision (e) of Section 11405, and whose former
18 guardian or guardians no longer provide ongoing support to, and
19 no longer receive aid on behalf of, the nonminor after the nonminor
20 attained 18 years of age, but before he or she attains 21 years of
21 age.

22 (3) He or she is a nonminor who received adoption assistance
23 payments after attaining 18 years of age pursuant to Chapter 2.1
24 (commencing with Section 16115) of Part 4 of Division 9 and his
25 or her adoptive parent or parents died after the nonminor attained
26 18 years of age, but before he or she attains 21 years of age.

27 (4) He or she is a nonminor who received adoption assistance
28 payments after attaining 18 years of age pursuant to Chapter 2.1
29 (commencing with Section 16115) of Part 4 of Division 9 and his
30 or her adoptive parent or parents no longer provide ongoing support
31 to, and no longer receive aid on behalf of, the nonminor after the
32 nonminor attained 18 years of age, but before he or she attains 21
33 years of age.

34 ~~(5) He or she is a nonminor who was previously under the~~
35 ~~jurisdiction of the juvenile court subject to an order for foster care~~
36 ~~placement at any time after he or she attained 12 years of age and~~
37 ~~who has not attained 21 years of age.~~

38 *(5) He or she has not attained 21 years of age, was subject to*
39 *an order for foster care placement at any time after reaching 14*
40 *years of age, was adjudged a ward of the court pursuant to Section*

1 725, and for whom the last custody order of the court did not order
2 his or her return to the physical custody of his or her parent or
3 legal guardian.

4 (6) He or she has not attained 21 years of age, was subject to
5 an order for foster care placement, was adjudged a ward of the
6 court pursuant to Section 725, and was held in secure confinement.

7 (b) (1) The petition to assume jurisdiction may be filed in either
8 of the following:

9 (A) The juvenile court that established the guardianship pursuant
10 to Section 360, Section 366.26, or subdivision (d) of Section 728.

11 (B) The juvenile court that had jurisdiction over the minor or
12 nonminor dependent when his or her adoption was finalized.

13 (2) A nonminor described in subdivision (a) may submit a
14 petition to assume dependency jurisdiction to the juvenile court
15 in the county where he or she resides. A petition submitted pursuant
16 to this paragraph shall, within five days of submission, be
17 forwarded to the court that had jurisdiction over the child at the
18 time of the guardianship or adoption. The clerk of the court that
19 had jurisdiction over the child at the time of the guardianship or
20 adoption shall file the petition within one judicial day of receipt.

21 (c) (1) The juvenile court in which the petition was filed shall
22 order a hearing to be held within 15 judicial days of the date the
23 petition was filed if there is a prima facie showing that the
24 nonminor satisfies all of the following criteria:

25 (A) He or she was a minor under juvenile court jurisdiction at
26 the time of the establishment of a guardianship pursuant to Section
27 360, Section 366.26, or subdivision (d) of Section 728, or he or
28 she was a minor or nonminor dependent when his or her adoption
29 was finalized.

30 (B) (i) His or her guardian or guardians, or adoptive parent or
31 parents, as applicable, died after the nonminor attained 18 years
32 of age, but before he or she attained 21 years of age.

33 (ii) His or her guardian or guardians, or adoptive parent or
34 parents, as applicable, no longer provide ongoing support to, and
35 no longer receive aid on behalf of, the nonminor after the nonminor
36 attained 18 years of age, but before he or she attained 21 years of
37 age, and it may be in the nonminor's best interest for the court to
38 assume dependency jurisdiction.

1 (C) He or she intends to satisfy at least one of the conditions
2 set forth in paragraphs (1) to (5), inclusive, of subdivision (b) of
3 Section 11403.

4 (D) He or she is requesting assistance in maintaining or securing
5 appropriate supervised placement, or needs immediate placement
6 and agrees to supervised placement pursuant to the voluntary
7 reentry agreement described in subdivision (z) of Section 11400.

8 (2) Upon ordering a hearing, the court shall give prior notice,
9 or cause prior notice to be given, to the nonminor, the appropriate
10 child welfare agency or probation department, and any other person
11 requested by the nonminor in the petition.

12 (3) Pursuant to applicable rules of court, the juvenile court shall
13 allow for telephonic appearances by the nonminor in these
14 proceedings and in any proceeding in which the nonminor
15 dependent is a party.

16 (4) Prior to the hearing, the court shall order the county child
17 welfare or probation department to prepare a report for the court
18 that addresses both of the following:

19 (A) The nonminor's plans to satisfy at least one of the criteria
20 set forth in paragraphs (1) to (5), inclusive, of subdivision (b) of
21 Section 11403.

22 (B) The appropriate placement setting for the nonminor. When
23 the recommendation is for the nonminor to be placed in a setting
24 where minor dependents also reside, the results of a background
25 check of the petitioning nonminor conducted pursuant to Section
26 16504.5 may be used by the placing agency to determine
27 appropriate placement options for him or her.

28 (5) The court shall assume dependency jurisdiction over a former
29 dependent or ward, and order his or her placement and care be
30 under the responsibility of the county child welfare services
31 department, the probation department, tribe, consortium of tribes,
32 or tribal organization, if the court finds all of the following:

33 (A) The nonminor was a minor under juvenile court jurisdiction
34 at the time of the establishment of a guardianship pursuant to
35 Section 360, Section 366.26, or subdivision (d) of Section 728, or
36 he or she was a dependent at the time his or her adoption was
37 finalized.

38 (B) The nonminor's guardian or guardians, or adoptive parent
39 or parents, as applicable, have died, or no longer provide ongoing
40 support to, and no longer receive aid on behalf of, the nonminor,

1 and it is in the nonminor's best interests for the court to assume
2 dependency jurisdiction.

3 (C) The nonminor has not attained 21 years of age.

4 (D) Reentry and remaining in foster care are in the nonminor's
5 best interests.

6 (E) The nonminor intends to satisfy, and agrees to satisfy, at
7 least one of the criteria set forth in paragraphs (1) to (5), inclusive,
8 of subdivision (b) of Section 11403, and demonstrates his or her
9 agreement to placement in a supervised setting under the placement
10 and care responsibility of the placing agency by signing the
11 voluntary reentry agreement described in subdivision (z) of Section
12 11400.

13 (6) The existence of a criminal conviction is not a bar to
14 eligibility for reentry to foster care or assumption of dependency
15 jurisdiction over a nonminor.

16 (7) The court shall not grant a continuance that would cause the
17 hearing to be completed more than 120 days after the date the
18 petition is filed.

19 (d) The agency made responsible for the nonminor's placement
20 and care pursuant to paragraph (5) of subdivision (c) shall prepare
21 a new transitional independent living case plan within 60 calendar
22 days of the date the nonminor signs the voluntary reentry agreement
23 and shall submit the plan to the court for the review hearing
24 specified in Section 366.31, to be held within 70 days of the
25 assumption of dependency jurisdiction. The review hearing under
26 Section 366.31 shall not be held more than 170 calendar days from
27 the date the nonminor signs the voluntary reentry agreement.

28 (e) (1) A nonminor described in subdivision (a) may enter into
29 a voluntary reentry agreement as defined in subdivision (z) of
30 Section 11400 in order to establish eligibility for foster care
31 benefits under subdivision (e) of Section 11401 before or after
32 filing a petition to assume dependency jurisdiction. If the nonminor
33 enters into a voluntary reentry agreement prior to filing the petition,
34 the nonminor is entitled to placement and supervision pending the
35 court's assumption of jurisdiction.

36 (2) If the nonminor completes a voluntary reentry agreement
37 with a placing agency, the placing agency shall file the petition to
38 assume dependency jurisdiction on behalf of the nonminor within
39 15 judicial days of the date the agreement is signed, unless the
40 nonminor elects to file the petition at an earlier date.

1 SEC. 4. Section 450 of the Welfare and Institutions Code is
2 amended to read:

3 450. (a) A minor or nonminor who satisfies all of the following
4 criteria is within the transition jurisdiction of the juvenile court:

5 ~~(1) (A) The minor is a ward who is older than 17 years and 5~~
6 ~~months of age and younger than 18 years of age and in foster care~~
7 ~~placement, or the nonminor is a ward in foster care placement who~~
8 ~~was a ward subject to an order for foster care placement at any~~
9 ~~time after the youth attained 12 years of age and who has not~~
10 ~~attained 21 years of age.~~

11 *(1) (A) The minor or nonminor meets one of the following*
12 *criteria:*

13 *(i) The minor is a ward who is older than 17 years and 5 months*
14 *of age and younger than 18 years of age and in foster care*
15 *placement.*

16 *(ii) The nonminor is a ward in foster care placement who was*
17 *a ward subject to an order for foster care placement at any time*
18 *after the youth attained 18 years of age and who has not attained*
19 *21 years of age.*

20 *(iii) The nonminor was subject to an order for foster care*
21 *placement at any time after reaching 14 years of age, was adjudged*
22 *a ward of the court pursuant to Section 725, and for whom the last*
23 *custody order of the court did not order his or her return to the*
24 *physical custody of his or her parent or legal guardian.*

25 *(iv) The nonminor was subject to an order for foster care*
26 *placement, was adjudged a ward of the court pursuant to Section*
27 *725, and was held in secure confinement.*

28 (B) Notwithstanding subparagraph (A), the nonminor is a ward
29 who has been receiving aid pursuant to Article 5 (commencing
30 with Section 11400) of Chapter 2 of Part 3 of Division 9 and who
31 may continue to receive aid under the applicable program, provided
32 that the nonminor dependent continues to meet all other applicable
33 eligibility requirements as specified in Section 11403.

34 (2) The ward meets either of the following conditions:

35 (A) The ward was removed from the physical custody of his or
36 her parents or legal guardian, adjudged to be a ward of the juvenile
37 court under Section 725, and ordered into foster care placement
38 as a ward.

39 (B) The ward was removed from the custody of his or her
40 parents or legal guardian as a dependent of the court with an order

1 for foster care placement as a dependent in effect at the time the
2 court adjudged him or her to be a ward of the juvenile court under
3 Section 725.

4 (3) The rehabilitative goals of the minor or nonminor, as set
5 forth in the case plan, have been met, and juvenile court jurisdiction
6 over the minor or nonminor as a ward is no longer required.

7 (4) (A) If the ward is a minor, reunification services have been
8 terminated; the matter has not been set for a hearing for termination
9 of parental rights pursuant to Section 727.3 or for the establishment
10 of guardianship pursuant to Section 728; the return of the child to
11 the physical custody of the parents or legal guardian would create
12 a substantial risk of detriment to the child's safety, protection, or
13 physical or emotional well-being; and the minor has indicated an
14 intent to sign a mutual agreement, as described in subdivision (u)
15 of Section 11400, with the responsible agency for placement in a
16 supervised setting as a nonminor dependent.

17 (B) If the ward is a nonminor, he or she has signed a mutual
18 agreement, as described in subdivision (u) of Section 11400, with
19 the responsible agency for placement in a supervised setting as a
20 nonminor dependent or has signed a voluntary reentry agreement,
21 as described in subdivision (z) of Section 11400 for placement in
22 a supervised setting as a nonminor dependent. A runaway and
23 homeless youth shelter licensed by the State Department of Social
24 Services pursuant to Section 1502.35 of the Health and Safety
25 Code shall not be a placement option pursuant to this section.

26 (b) A minor who is subject to the court's transition jurisdiction
27 shall be referred to as a transition dependent.

28 (c) A youth subject to the court's transition jurisdiction who is
29 18 years of age or older shall be referred to as a nonminor
30 dependent.

31 SEC. 5. Section 607.2 of the Welfare and Institutions Code is
32 amended to read:

33 607.2. (a) The court shall hold a hearing prior to terminating
34 jurisdiction over a ward who satisfies any of the following criteria:

35 (1) Is a minor subject to an order for foster care placement
36 described in Section 11402 as a ward who has not previously been
37 subject to the jurisdiction of the court as a result of a petition filed
38 pursuant to Section 325.

39 (2) Is a nonminor who ~~was~~ *attained 18 years of age while* subject
40 to an order for foster care placement described in Section 11402

1 ~~at any time after he or she attained 12 years of age and who has~~
2 ~~not attained 21 years of age.~~

3 *(3) Is a nonminor who was subject to an order for foster care*
4 *placement at any time after reaching 14 years of age, was adjudged*
5 *a ward of the court pursuant to Section 725, and for whom the last*
6 *custody order of the court did not order his or her return to the*
7 *physical custody of his or her parent or legal guardian.*

8 *(4) Is a nonminor who was subject to an order for foster care*
9 *placement, was adjudged a ward of the court pursuant to Section*
10 *725, and was held in secure confinement.*

11 ~~(3)~~

12 (5) Is a ward who was subject to an order for foster care
13 placement described in Section 11402 as a dependent of the court
14 at the time the court adjudged the child to be a ward of the court
15 under Section 725.

16 (b) At a hearing during which termination of jurisdiction over
17 a ward described in subdivision (a) is being considered, the court
18 shall take one of the following actions:

19 (1) Modify its jurisdiction from delinquency jurisdiction to
20 transition jurisdiction, if the court finds the ward is a person
21 described in Section 450.

22 (2) (A) For a ward who was not previously subject to the
23 jurisdiction of the court as a result of a petition filed pursuant to
24 Section 325, order the probation department or the ward's attorney
25 to submit an application to the child welfare services department
26 pursuant to Section 329 to declare the minor a dependent of the
27 court and modify the court's jurisdiction from delinquency
28 jurisdiction to dependency jurisdiction, if the court finds all of the
29 following:

30 (i) The ward is a minor.

31 (ii) The ward does not come within the description in Section
32 450, but jurisdiction as a ward may no longer be required.

33 (iii) The ward appears to come within the description of Section
34 300 and cannot be returned home safely.

35 (B) The court shall set a hearing within 20 judicial days of the
36 date of the order described in subparagraph (A) to review the child
37 welfare services department's decision and may either affirm its
38 decision not to file a petition pursuant to Section 300 or order the
39 child welfare services department to file a petition pursuant to
40 Section 300.

(3) Vacate the order terminating jurisdiction over the minor as a dependent of the court, resume jurisdiction pursuant to Section 300 based on the prior petition filed pursuant to Section 325, and terminate the court's jurisdiction over the minor as a ward, if the minor was subject to an order for foster care placement described in Section 11402 as a dependent of the court at the time the court adjudged the minor to be a ward and assumed jurisdiction over the minor under Section 725.

(4) Continue its delinquency jurisdiction over a ward pursuant to Section 303 as a nonminor dependent, as defined in subdivision (v) of Section 11400, who is eligible to remain in foster care pursuant to Section 11403, if the ward is a nonminor and the court did not modify its jurisdiction as described in Section 450, unless the court finds that after reasonable and documented efforts, the ward cannot be located or does not wish to become a nonminor dependent. In making this finding and prior to entering an order terminating its delinquency jurisdiction, the court shall ensure that the ward has had an opportunity to confer with his or her counsel and has been informed of his or her options, including the right to reenter foster care placement by completing a voluntary reentry agreement as described in subdivision (z) of Section 11400 and to file a petition pursuant to subdivision (e) of Section 388 for the court to assume or resume transition jurisdiction over him or her pursuant to Section 450. The fact that a ward declines to be a nonminor dependent does not restrict the authority of the court to maintain delinquency jurisdiction pursuant to Section 607.

(5) Continue its delinquency jurisdiction.

(6) Terminate its delinquency jurisdiction if the ward does not come within the provisions of paragraphs (1) to (4), inclusive.

(c) If the court modifies jurisdiction, its order shall comply with the requirements of subdivision (f) of Section 241.1.

(d) This section does not change the requirements of Section 727.2 or 727.3 with respect to reunification of minors with their families or the establishment of an alternative permanent plan for minors for whom reunification is not pursued.

SEC. 6. Section 11400 of the Welfare and Institutions Code is amended to read:

11400. For purposes of this article, the following definitions shall apply:

1 (a) “Aid to Families with Dependent Children-Foster Care
2 (AFDC-FC)” means the aid provided on behalf of needy children
3 in foster care under the terms of this division.

4 (b) “Case plan” means a written document that, at a minimum,
5 specifies the type of home in which the child shall be placed, the
6 safety of that home, and the appropriateness of that home to meet
7 the child’s needs. It shall also include the agency’s plan for
8 ensuring that the child receive proper care and protection in a safe
9 environment, and shall set forth the appropriate services to be
10 provided to the child, the child’s family, and the foster parents, in
11 order to meet the child’s needs while in foster care, and to reunify
12 the child with the child’s family. In addition, the plan shall specify
13 the services that will be provided or steps that will be taken to
14 facilitate an alternate permanent plan if reunification is not possible.

15 (c) “Certified family home” means a family residence certified
16 by a licensed foster family agency and issued a certificate of
17 approval by that agency as meeting licensing standards, and used
18 only by that foster family agency for placements.

19 (d) “Family home” means the family residence of a licensee in
20 which 24-hour care and supervision are provided for children.

21 (e) “Small family home” means any residential facility, in the
22 licensee’s family residence, which provides 24-hour care for six
23 or fewer foster children who have mental disorders or
24 developmental or physical disabilities and who require special care
25 and supervision as a result of their disabilities.

26 (f) “Foster care” means the 24-hour out-of-home care provided
27 to children whose own families are unable or unwilling to care for
28 them, and who are in need of temporary or long-term substitute
29 parenting.

30 (g) “Foster family agency” means any individual or organization
31 engaged in the recruiting, certifying, and training of, and providing
32 professional support to, foster parents, or in finding homes or other
33 places for placement of children for temporary or permanent care
34 who require that level of care as an alternative to a group home.
35 Private foster family agencies shall be organized and operated on
36 a nonprofit basis.

37 (h) “Group home” means a nondetention privately operated
38 residential home, organized and operated on a nonprofit basis only,
39 of any capacity, or a nondetention licensed residential care home
40 operated by the County of San Mateo with a capacity of up to 25

1 beds, that accepts children in need of care and supervision in a
2 group home, as defined by paragraph (13) of subdivision (a) of
3 Section 1502 of the Health and Safety Code.

4 (i) “Periodic review” means review of a child’s status by the
5 juvenile court or by an administrative review panel, that shall
6 include a consideration of the safety of the child, a determination
7 of the continuing need for placement in foster care, evaluation of
8 the goals for the placement and the progress toward meeting these
9 goals, and development of a target date for the child’s return home
10 or establishment of alternative permanent placement.

11 (j) “Permanency planning hearing” means a hearing conducted
12 by the juvenile court in which the child’s future status, including
13 whether the child shall be returned home or another permanent
14 plan shall be developed, is determined.

15 (k) “Placement and care” refers to the responsibility for the
16 welfare of a child vested in an agency or organization by virtue of
17 the agency or organization having (1) been delegated care, custody,
18 and control of a child by the juvenile court, (2) taken responsibility,
19 pursuant to a relinquishment or termination of parental rights on
20 a child, (3) taken the responsibility of supervising a child detained
21 by the juvenile court pursuant to Section 319 or 636, or (4) signed
22 a voluntary placement agreement for the child’s placement; or to
23 the responsibility designated to an individual by virtue of his or
24 her being appointed the child’s legal guardian.

25 (l) “Preplacement preventive services” means services that are
26 designed to help children remain with their families by preventing
27 or eliminating the need for removal.

28 (m) “Relative” means an adult who is related to the child by
29 blood, adoption, or affinity within the fifth degree of kinship,
30 including stepparents, stepsiblings, and all relatives whose status
31 is preceded by the words “great,” “great-great,” or “grand” or the
32 spouse of any of these persons even if the marriage was terminated
33 by death or dissolution.

34 (n) “Nonrelative extended family member” means an adult
35 caregiver who has an established familial or mentoring relationship
36 with the child, as described in Section 362.7.

37 (o) “Voluntary placement” means an out-of-home placement
38 of a child by (1) the county welfare department, probation
39 department, or Indian tribe that has entered into an agreement
40 pursuant to Section 10553.1, after the parents or guardians have

1 requested the assistance of the county welfare department and have
2 signed a voluntary placement agreement; or (2) the county welfare
3 department licensed public or private adoption agency, or the
4 department acting as an adoption agency, after the parents have
5 requested the assistance of either the county welfare department,
6 the licensed public or private adoption agency, or the department
7 acting as an adoption agency for the purpose of adoption planning,
8 and have signed a voluntary placement agreement.

9 (p) “Voluntary placement agreement” means a written agreement
10 between either the county welfare department, probation
11 department, or Indian tribe that has entered into an agreement
12 pursuant to Section 10553.1, licensed public or private adoption
13 agency, or the department acting as an adoption agency, and the
14 parents or guardians of a child that specifies, at a minimum, the
15 following:

16 (1) The legal status of the child.

17 (2) The rights and obligations of the parents or guardians, the
18 child, and the agency in which the child is placed.

19 (q) “Original placement date” means the most recent date on
20 which the court detained a child and ordered an agency to be
21 responsible for supervising the child or the date on which an agency
22 assumed responsibility for a child due to termination of parental
23 rights, relinquishment, or voluntary placement.

24 (r) (1) “Transitional housing placement provider” means an
25 organization licensed by the State Department of Social Services
26 pursuant to Section 1559.110 of the Health and Safety Code, to
27 provide transitional housing to foster children at least 16 years of
28 age and not more than 18 years of age, and nonminor dependents,
29 as defined in subdivision (v). A transitional housing placement
30 provider shall be privately operated and organized on a nonprofit
31 basis.

32 (2) Prior to licensure, a provider shall obtain certification from
33 the applicable county, in accordance with Section 16522.1.

34 (s) “Transitional Housing Program-Plus” means a provider
35 certified by the applicable county, in accordance with subdivision
36 (c) of Section 16522, to provide transitional housing services to
37 former foster youth who have exited the foster care system on or
38 after their 18th birthday.

39 (t) “Whole family foster home” means a new or existing family
40 home, approved relative caregiver or nonrelative extended family

1 member's home, the home of a nonrelated legal guardian whose
2 guardianship was established pursuant to Section 360 or 366.26,
3 certified family home, or a host family home placement of a
4 transitional housing placement provider, that provides foster care
5 for a minor or nonminor dependent parent and his or her child,
6 and is specifically recruited and trained to assist the minor or
7 nonminor dependent parent in developing the skills necessary to
8 provide a safe, stable, and permanent home for his or her child.
9 The child of the minor or nonminor dependent parent need not be
10 the subject of a petition filed pursuant to Section 300 to qualify
11 for placement in a whole family foster home.

12 (u) "Mutual agreement" means any of the following:

13 (1) A written voluntary agreement of consent for continued
14 placement and care in a supervised setting between a minor or, on
15 and after January 1, 2012, a nonminor dependent, and the county
16 welfare services or probation department or tribal agency
17 responsible for the foster care placement, that documents the
18 nonminor's continued willingness to remain in supervised
19 out-of-home placement under the placement and care of the
20 responsible county, tribe, consortium of tribes, or tribal
21 organization that has entered into an agreement with the state
22 pursuant to Section 10553.1, remain under the jurisdiction of the
23 juvenile court as a nonminor dependent, and report any change of
24 circumstances relevant to continued eligibility for foster care
25 payments, and that documents the nonminor's and social worker's
26 or probation officer's agreement to work together to facilitate
27 implementation of the mutually developed supervised placement
28 agreement and transitional independent living case plan.

29 (2) An agreement, as described in paragraph (1), between a
30 nonminor former dependent or ward in receipt of Kin-GAP
31 payments under Article 4.5 (commencing with Section 11360) or
32 Article 4.7 (commencing with Section 11385), and the agency
33 responsible for the Kin-GAP benefits, provided that the nonminor
34 former dependent or ward satisfies the conditions described in
35 Section 11403.01, or one or more of the conditions described in
36 paragraphs (1) to (5), inclusive, of subdivision (b) of Section
37 11403. For purposes of this paragraph and paragraph (3),
38 "nonminor former dependent or ward" has the same meaning as
39 described in subdivision (aa).

(3) An agreement, as described in paragraph (1), between a nonminor former dependent or ward in receipt of AFDC-FC payments under subdivision (e) or (f) of Section 11405 and the agency responsible for the AFDC-FC benefits, provided that the nonminor former dependent or ward described in subdivision (e) of Section 11405 satisfies one or more of the conditions described in paragraphs (1) to (5), inclusive, of subdivision (b) of Section 11403, and the nonminor described in subdivision (f) of Section 11405 satisfies the secondary school or equivalent training or certificate program conditions described in that subdivision.

(v) “Nonminor dependent” means a foster child, as described in Section 675(8)(B) of Title 42 of the United States Code under the federal Social Security Act who is a current dependent child or ward of the juvenile court, or who is a nonminor under the transition jurisdiction of the juvenile court, as described in Section 450, and who satisfies all of the following criteria:

~~(1) He or she was subject to an order for foster care placement described in Section 11402 at any time after he or she attained 12 years of age and who has not attained 21 years of age.~~

(1) He or she meets one of the following criteria:

(A) He or she attained 18 years of age while subject to an order for foster care placement described in Section 11402 and has not attained 21 years of age.

(B) He or she has not attained 21 years of age, was subject to an order for foster care placement at any time after reaching 14 years of age, was adjudged a ward of the court pursuant to Section 725, and for whom the last custody order of the court did not order his or her return to the physical custody of his or her parent or legal guardian.

(C) He or she has not attained 21 years of age, was subject to an order for foster care placement, was adjudged a ward of the court pursuant to Section 725, and was held in secure confinement.

(2) He or she is in foster care under the placement and care responsibility of the county welfare department, county probation department, Indian tribe, consortium of tribes, or tribal organization that entered into an agreement pursuant to Section 10553.1.

(3) He or she has a transitional independent living case plan pursuant to Section 475(8) of the federal Social Security Act (42 U.S.C. Sec. 675(8)), as contained in the federal Fostering

1 Connections to Success and Increasing Adoptions Act of 2008
2 (Public Law 110-351), as described in Section 11403.

3 (w) “Supervised independent living placement” means, on and
4 after January 1, 2012, an independent supervised setting, as
5 specified in a nonminor dependent’s transitional independent living
6 case plan, in which the youth is living independently, pursuant to
7 Section 472(c)(2) of the *federal* Social Security Act (42 U.S.C.
8 Sec. 672(c)(2)).

9 (x) “Supervised independent living setting,” pursuant to Section
10 472(c)(2) of the federal Social Security Act (42 U.S.C. Sec.
11 672(c)(2)), includes both a supervised independent living
12 placement, as defined in subdivision (w), and a residential housing
13 unit certified by the transitional housing placement provider
14 operating a Transitional Housing Placement-Plus Foster Care
15 program, as described in paragraph (2) of subdivision (a) of Section
16 16522.1.

17 (y) “Transitional independent living case plan” means, on or
18 after January 1, 2012, a child’s case plan submitted for the last
19 review hearing held before he or she reaches 18 years of age or
20 the nonminor dependent’s case plan, updated every six months,
21 that describes the goals and objectives of how the nonminor will
22 make progress in the transition to living independently and assume
23 incremental responsibility for adult decisionmaking, the
24 collaborative efforts between the nonminor and the social worker,
25 probation officer, or Indian tribal placing entity and the supportive
26 services as described in the transitional independent living plan
27 (TILP) to ensure active and meaningful participation in one or
28 more of the eligibility criteria described in paragraphs (1) to (5),
29 inclusive, of subdivision (b) of Section 11403, the nonminor’s
30 appropriate supervised placement setting, and the nonminor’s
31 permanent plan for transition to living independently, which
32 includes maintaining or obtaining permanent connections to caring
33 and committed adults, as set forth in paragraph (16) of subdivision
34 (f) of Section 16501.1.

35 (z) “Voluntary reentry agreement” means a written voluntary
36 agreement between a former dependent child or ward or a former
37 nonminor dependent, who has had juvenile court jurisdiction
38 terminated pursuant to Section 391, 452, or 607.2, and the county
39 welfare or probation department or tribal placing entity that
40 documents the nonminor’s desire and willingness to reenter foster

1 care, to be placed in a supervised setting under the placement and
2 care responsibility of the placing agency, the nonminor's desire,
3 willingness, and ability to immediately participate in one or more
4 of the conditions of paragraphs (1) to (5), inclusive, of subdivision
5 (b) of Section 11403, the nonminor's agreement to work
6 collaboratively with the placing agency to develop his or her
7 transitional independent living case plan within 60 days of reentry,
8 the nonminor's agreement to report any changes of circumstances
9 relevant to continued eligibility for foster care payments, and (1)
10 the nonminor's agreement to participate in the filing of a petition
11 for juvenile court jurisdiction as a nonminor dependent pursuant
12 to subdivision (e) of Section 388 within 15 judicial days of the
13 signing of the agreement and the placing agency's efforts and
14 supportive services to assist the nonminor in the reentry process,
15 or (2) if the nonminor meets the definition of a nonminor former
16 dependent or ward, as described in subdivision (aa), the nonminor's
17 agreement to return to the care and support of his or her former
18 juvenile court-appointed guardian and meet the eligibility criteria
19 for AFDC-FC pursuant to subdivision (e) of Section 11405.

20 (aa) "Nonminor former dependent or ward" means, on and after
21 January 1, 2012, ~~either any of the following:~~

22 (1) A nonminor who ~~was attained 18 years of age while~~ subject
23 to an order for foster care placement described in Section 11402
24 ~~at any time after he or she attained 12 years of age and~~ who has
25 not attained 21 years of age, and for whom dependency,
26 delinquency, or transition jurisdiction has been terminated, and
27 who is still under the general jurisdiction of the court.

28 (2) A nonminor who is over 18 years of age and, while a minor,
29 was a dependent child or ward of the juvenile court when the
30 guardianship was established pursuant to Section 360 or 366.26,
31 or subdivision (d), of Section 728 and the juvenile court
32 dependency or wardship was dismissed following the establishment
33 of the guardianship.

34 (3) *A nonminor who was subject to an order for foster care*
35 *placement at any time after reaching 14 years of age, was adjudged*
36 *a ward of the court pursuant to Section 725, and for whom the last*
37 *custody order of the court did not order his or her return to the*
38 *physical custody of his or her parent or legal guardian.*

1 (4) *A nonminor who was subject to an order for foster care*
2 *placement, was adjudged a ward of the court pursuant to Section*
3 *725, and was held in secure confinement.*

4 (ab) “Runaway and homeless youth shelter” means a type of
5 group home, as defined in paragraph (14) of subdivision (a) of
6 Section 1502 of the Health and Safety Code, that is not an eligible
7 placement option under Sections 319, 361.2, 450, and 727, and
8 that is not eligible for AFDC-FC funding pursuant to subdivision
9 (c) of Section 11402 or Section 11462.

10 (ac) “Transition dependent” is a minor between 17 years and
11 five 5 months and 18 years of age who is subject to the court’s
12 transition jurisdiction under Section 450.

13 SEC. 7. Section 11401 of the Welfare and Institutions Code is
14 amended to read:

15 11401. Aid in the form of AFDC-FC shall be provided under
16 this chapter on behalf of any child under 18 years of age and to
17 any nonminor dependent who meets the conditions of any of the
18 following subdivisions:

19 (a) The child has been relinquished, for purposes of adoption,
20 to a licensed adoption agency, or the department, or the parental
21 rights of either or both of his or her parents have been terminated
22 after an action under the Family Code has been brought by a
23 licensed adoption agency or the department, provided that the
24 licensed adoption agency or the department, if responsible for
25 placement and care, provides to those children all services as
26 required by the department to children in foster care.

27 (b) The child has been removed from the physical custody of
28 his or her parent, relative, or guardian as a result of a voluntary
29 placement agreement or a judicial determination that continuance
30 in the home would be contrary to the child’s welfare and that, if
31 the child was placed in foster care, reasonable efforts were made,
32 consistent with Chapter 5 (commencing with Section 16500) of
33 Part 4, to prevent or eliminate the need for removal of the child
34 from his or her home and to make it possible for the child to return
35 to his or her home, and any of the following applies:

36 (1) The child has been adjudged a dependent child of the court
37 on the grounds that he or she is a person described by Section 300.

38 (2) The child has been adjudged a ward of the court on the
39 grounds that he or she is a person described by Sections 601 and

1 602 or the nonminor is under the transition jurisdiction of the
2 juvenile court pursuant to Section 450.

3 (3) The child has been detained under a court order, pursuant
4 to Section 319 or 636, that remains in effect.

5 (4) The child's or nonminor's dependency jurisdiction, or
6 transition jurisdiction pursuant to Section 450, has resumed
7 pursuant to Section 387, or subdivision (a) or (e) of Section 388.

8 (c) The child has been voluntarily placed by his or her parent
9 or guardian pursuant to Section 11401.1.

10 (d) The child is living in the home of a nonrelated legal guardian.

11 (e) The child is a nonminor dependent who is placed pursuant
12 to a mutual agreement as set forth in subdivision (u) of Section
13 11400, under the placement and care responsibility of the county
14 child welfare services department, an Indian tribe that entered into
15 an agreement pursuant to Section 10553.1, or the county probation
16 department, or the child is a nonminor dependent reentering foster
17 care placement pursuant to a voluntary agreement, as set forth in
18 subdivision (z) of Section 11400.

19 (f) The child has been placed in foster care under the federal
20 Indian Child Welfare Act (*25 U.S.C. Sec. 1901 et seq.*). Sections
21 11402, 11404, and 11405 shall not be construed as limiting
22 payments to Indian children, as defined in the federal Indian Child
23 Welfare Act, placed in accordance with that act.

24 (g) To be eligible for federal financial participation, the
25 conditions described in paragraph (1), (2), (3), or (4) shall be
26 satisfied:

27 (1) (A) The child meets the conditions of subdivision (b).

28 (B) The child has been deprived of parental support or care for
29 any of the reasons set forth in Section 11250.

30 (C) The child has been removed from the home of a relative as
31 defined in Section 233.90(c)(1) of Title 45 of the Code of Federal
32 Regulations, as amended.

33 (D) The requirements of Sections 671 and 672 of Title 42 of
34 the United States Code, as amended, have been met.

35 (2) (A) The child meets the requirements of subdivision (h).

36 (B) The requirements of Sections 671 and 672 of Title 42 of
37 the United States Code, as amended, have been met.

38 (C) This paragraph shall be implemented only if federal financial
39 participation is available for the children described in this
40 paragraph.

(3) (A) The child has been removed from the custody of his or her parent, relative, or guardian as a result of a voluntary placement agreement or a judicial determination that continuance in the home would be contrary to the child's welfare and that, if the child was placed in foster care, reasonable efforts were made, consistent with Chapter 5 (commencing with Section 16500) of Part 4, to prevent or eliminate the need for removal of the child from his or her home and to make it possible for the child to return to his or her home, or the child is a nonminor dependent who satisfies the removal criteria in Section 472(a)(2)(A)(i) of the federal Social Security Act (42 U.S.C. Sec. ~~672(a)(2)(A)(i)~~ 672(a)(2)(A)(i)) and agrees to the placement and care responsibility of the placing agency by signing the voluntary reentry agreement, as set forth in subdivision (z) of Section 11400, and any of the following applies:

(i) The child has been adjudged a dependent child of the court on the grounds that he or she is a person described by Section 300.

(ii) The child has been adjudged a ward of the court on the grounds that he or she is a person described by Sections 601 and 602 or the nonminor is under the transition jurisdiction of the juvenile court, pursuant to Section 450.

(iii) The child has been detained under a court order, pursuant to Section 319 or 636, that remains in effect.

(iv) The child's or nonminor's dependency jurisdiction, or transition jurisdiction pursuant to Section 450, has resumed pursuant to Section 387, or subdivision (a) or (e) of Section 388.

(B) The child has been placed in an eligible foster care placement, as set forth in Section 11402.

(C) The requirements of Sections 671 and 672 of Title 42 of the United States Code have been satisfied.

(D) This paragraph shall be implemented only if federal financial participation is available for the children described in this paragraph.

(4) With respect to a nonminor dependent, in addition to meeting the conditions specified in paragraph (1), the requirements of Section 675(8)(B) of Title 42 of the United States Code have been satisfied. With respect to a former nonminor dependent who reenters foster care placement by signing the voluntary reentry agreement, as set forth in subdivision (z) of Section 11400, the requirements for AFDC-FC eligibility of Section 672(a)(3)(A) of Title 42 of the United States Code are satisfied based on the

1 nonminor's status as a child-only case, without regard to the
2 parents, legal guardians, or others in the assistance unit in the home
3 from which the nonminor was originally removed.

4 (h) The child meets all of the following conditions:

5 (1) The child has been adjudged to be a dependent child or ward
6 of the court on the grounds that he or she is a person described in
7 Section 300, 601, or 602.

8 (2) The child's parent also has been adjudged to be a dependent
9 child or nonminor dependent of the court on the grounds that he
10 or she is a person described by Section 300, 450, 601, or 602 and
11 is receiving benefits under this chapter.

12 (3) The child is placed in the same licensed or approved foster
13 care facility in which his or her parent is placed and the child's
14 parent is receiving reunification services with respect to that child.

15 SEC. 8. Section 11403 of the Welfare and Institutions Code is
16 amended to read:

17 11403. (a) It is the intent of the Legislature to exercise the
18 option afforded states under Section 475(8) (42 U.S.C. Sec.
19 675(8)), and Section 473(a)(4) (42 U.S.C. Sec. 673(a)(4)) of the
20 federal Social Security Act, as contained in the federal Fostering
21 Connections to Success and Increasing Adoptions Act of 2008
22 (Public Law 110-351), to receive federal financial participation
23 for nonminor dependents of the juvenile court who satisfy the
24 conditions of subdivision (b), consistent with their transitional
25 independent living case plan. These nonminor dependents shall
26 be eligible to receive support up to 21 years of age, consistent with
27 their transitional independent living case plan. It is the intent of
28 the Legislature both at the time of initial determination of the
29 nonminor dependent's eligibility and throughout the time the
30 nonminor dependent is eligible for aid pursuant to this section,
31 that the social worker or probation officer or Indian tribal placing
32 entity and the nonminor dependent shall work together to ensure
33 the nonminor dependent's ongoing eligibility. All case planning
34 shall be a collaborative effort between the nonminor dependent
35 and the social worker, probation officer, or Indian tribe, with the
36 nonminor dependent assuming increasing levels of responsibility
37 and independence.

38 (b) A nonminor dependent receiving aid pursuant to this chapter,
39 who satisfies the age criteria set forth in subdivision (a), shall meet
40 the legal authority for placement and care by being under a foster

1 care placement order by the juvenile court, or the voluntary reentry
2 agreement as set forth in subdivision (z) of Section 11400, and is
3 otherwise eligible for AFDC-FC payments pursuant to Section
4 11401. A nonminor who satisfies the age criteria set forth in
5 subdivision (a), and who is otherwise eligible, shall continue to
6 receive CalWORKs payments pursuant to Section 11253 or, as a
7 nonminor former dependent or ward, aid pursuant to Kin-GAP
8 under Article 4.5 (commencing with Section 11360) or Article 4.7
9 (commencing with Section 11385) or adoption assistance payments
10 as specified in Chapter 2.1 (commencing with Section 16115) of
11 Part 4. Effective January 1, 2012, a nonminor former dependent
12 child or ward of the juvenile court who is receiving AFDC-FC
13 benefits pursuant to Section 11405 and who satisfies the criteria
14 set forth in subdivision (a) shall be eligible to continue to receive
15 aid as long as the nonminor is otherwise eligible for AFDC-FC
16 benefits under this subdivision. This subdivision shall apply when
17 one or more of the following conditions exist:

18 (1) The nonminor is completing secondary education or a
19 program leading to an equivalent credential.

20 (2) The nonminor is enrolled in an institution which provides
21 postsecondary or vocational education.

22 (3) The nonminor is participating in a program or activity
23 designed to promote, or remove barriers to employment.

24 (4) The nonminor is employed for at least 80 hours per month.

25 (5) The nonminor is incapable of doing any of the activities
26 described in ~~subparagraphs~~ *paragraphs* (1) to (4), inclusive, due
27 to a medical condition, and that incapability is supported by
28 regularly updated information in the case plan of the nonminor.
29 The requirement to update the case plan under this section shall
30 not apply to nonminor former dependents or wards in receipt of
31 Kin-GAP program or Adoption Assistance Program payments.

32 (c) The county child welfare or probation department, Indian
33 tribe, consortium of tribes, or tribal organization that has entered
34 into an agreement pursuant to Section 10553.1, shall work together
35 with a nonminor dependent who is in foster care on his or her 18th
36 birthday and thereafter or a nonminor former dependent receiving
37 aid pursuant to Section 11405, to satisfy one or more of the
38 conditions described in paragraphs (1) to (5), inclusive, of
39 subdivision (b) and shall certify the nonminor's applicable
40 condition or conditions in the nonminor's six-month transitional

1 independent living case plan update, and provide the certification
2 to the eligibility worker and to the court at each six-month case
3 plan review hearing for the nonminor dependent. Relative
4 guardians who receive Kin-GAP payments and adoptive parents
5 who receive adoption assistance payments shall be responsible for
6 reporting to the county welfare agency that the nonminor does not
7 satisfy at least one of the conditions described in subdivision (b).
8 The social worker, probation officer, or tribal entity shall verify
9 and obtain assurances that the nonminor dependent continues to
10 satisfy at least one of the conditions in paragraphs (1) to (5),
11 inclusive, of subdivision (b) at each six-month transitional
12 independent living case plan update. The six-month case plan
13 update shall certify the nonminor's eligibility pursuant to
14 subdivision (b) for the next six-month period. During the six-month
15 certification period, the payee and nonminor shall report any
16 change in placement or other relevant changes in circumstances
17 that may affect payment. The nonminor dependent, or nonminor
18 former dependent receiving aid pursuant to subdivision (e) of
19 Section 11405, shall be informed of all due process requirements,
20 in accordance with state and federal law, prior to an involuntary
21 termination of aid, and shall simultaneously be provided with a
22 written explanation of how to exercise his or her due process rights
23 and obtain referrals to legal assistance. Any notices of action
24 regarding eligibility shall be sent to the nonminor dependent or
25 former dependent, his or her counsel, as applicable, and the placing
26 worker, in addition to any other payee. Payments of aid pursuant
27 to Kin-GAP under Article 4.5 (commencing with Section 11360)
28 or Article 4.7 (commencing with Section 11385), adoption
29 assistance payments as specified in Chapter 2.1 (commencing with
30 Section 16115) of Part 4, or aid pursuant to subdivision (e) of
31 Section 11405 that are made on behalf of a nonminor former
32 dependent shall terminate subject to the terms of the agreements.
33 Subject to federal approval of amendments to the state plan, aid
34 payments may be suspended and resumed based on changes of
35 circumstances that affect eligibility. Nonminor former dependents,
36 as identified in paragraph (2) of subdivision (aa) of Section 11400,
37 are not eligible for reentry under subdivision (e) of Section 388 as
38 nonminor dependents under the jurisdiction of the juvenile court,
39 unless (1) the nonminor former dependent was receiving aid
40 pursuant to Kin-GAP under Article 4.5 (commencing with Section

1 11360) or Article 4.7 (commencing with Section 11385), or the
2 nonminor former dependent was receiving aid pursuant to
3 subdivision (e) of Section 11405, or the nonminor was receiving
4 adoption assistance payments as specified in Chapter 2.1
5 (commencing with Section 16115) of Part 3 and (2) the nonminor's
6 former guardian or adoptive parent dies, or no longer provides
7 ongoing support to, and no longer receive aid on behalf of, the
8 nonminor after the nonminor turns 18 years of age but before the
9 nonminor turns 21 years of age. Nonminor former dependents
10 requesting the resumption of AFDC-FC payments pursuant to
11 subdivision (e) of Section 11405 shall complete the applicable
12 portions of the voluntary reentry agreement, as described in
13 subdivision (z) of Section 11400.

14 (d) A nonminor dependent may receive all of the payment
15 directly provided that the nonminor is living independently in a
16 supervised placement, as described in subdivision (w) of Section
17 11400, and that both the youth and the agency responsible for the
18 foster care placement have signed a mutual agreement, as defined
19 in subdivision (u) of Section 11400, if the youth is capable of
20 making an informed agreement, that documents the continued need
21 for supervised out-of-home placement, and the nonminor's and
22 social worker's or probation officer's agreement to work together
23 to facilitate implementation of the mutually developed supervised
24 placement agreement and transitional independent living case plan.

25 (e) Eligibility for aid under this section shall not terminate until
26 the nonminor dependent attains the age criteria, as set forth in
27 subdivision (a), but aid may be suspended when the nonminor
28 dependent no longer resides in an eligible facility, as described in
29 Section 11402, or is otherwise not eligible for AFDC-FC benefits
30 under Section 11401, or terminated at the request of the nonminor,
31 or after a court terminates dependency jurisdiction pursuant to
32 Section 391, delinquency jurisdiction pursuant to Section 607.2,
33 or transition jurisdiction pursuant to Section 452. AFDC-FC
34 benefits to nonminor dependents, may be resumed at the request
35 of the nonminor by completing a voluntary reentry agreement
36 pursuant to subdivision (z) of Section 11400, before or after the
37 filing of a petition filed pursuant to subdivision (e) of Section 388
38 after a court terminates dependency or transitional jurisdiction
39 pursuant to Section 391, or delinquency jurisdiction pursuant to
40 Section 607.2. The county welfare or probation department or

1 Indian tribal entity that has entered into an agreement pursuant to
2 Section 10553.1 shall complete the voluntary reentry agreement
3 with the nonminor who agrees to satisfy the criteria of the
4 agreement, as described in subdivision (z) of Section 11400. The
5 county welfare department or tribal entity shall establish a new
6 child-only Title IV-E eligibility determination based on the
7 nonminor's completion of the voluntary reentry agreement pursuant
8 to Section 11401. The beginning date of aid for either federal or
9 state AFDC-FC for a reentering nonminor who is placed in foster
10 care is the date the voluntary reentry agreement is signed or the
11 nonminor is placed, whichever is later. The county welfare
12 department, county probation department, or tribal entity shall
13 provide a nonminor dependent who wishes to continue receiving
14 aid with the assistance necessary to meet and maintain eligibility.

15 (f) (1) The county having jurisdiction of the nonminor
16 dependent shall remain the county of payment under this section
17 regardless of the youth's physical residence. Nonminor former
18 dependents receiving aid pursuant to subdivision (e) of Section
19 11405 shall be paid by their county of residence. Counties may
20 develop courtesy supervision agreements to provide case
21 management and independent living services by the county of
22 residence pursuant to the nonminor dependent's transitional
23 independent living case plan. Placements made out of state are
24 subject to the applicable requirements of the Interstate Compact
25 on Placement of Children, pursuant to Part 5 (commencing with
26 Section 7900) of Division 12 of the Family Code.

27 (2) The county welfare department, county probation
28 department, or tribal entity shall notify all foster youth who attain
29 16 years of age and are under the jurisdiction of that county or
30 tribe, including those receiving Kin-GAP, and AAP, of the
31 existence of the aid prescribed by this section.

32 (3) The department shall seek any waiver to amend its Title
33 IV-E ~~State Plan~~ *state plan* with the Secretary of the United States
34 Department of Health and Human Services necessary to implement
35 this section.

36 (g) (1) Subject to paragraph (3), a county shall pay the
37 nonfederal share of the cost of extending aid pursuant to this
38 section to eligible nonminor dependents who have reached 18
39 years of age and who are under the jurisdiction of the county,
40 including AFDC-FC payments pursuant to Section 11401, aid

1 pursuant to Kin-GAP under Article 4.7 (commencing with Section
2 11385), adoption assistance payments as specified in Chapter 2.1
3 (commencing with Section 16115) of Part 4, and aid pursuant to
4 Section 11405 for nonminor dependents who are residing in the
5 county as provided in paragraph (1) of subdivision (f). A county
6 shall contribute to the CalWORKs payments pursuant to Section
7 11253 and aid pursuant to Kin-GAP under Article 4.5 (commencing
8 with Section 11360) at the statutory sharing ratios in effect on
9 January 1, 2012.

10 (2) Subject to paragraph (3), a county shall pay the nonfederal
11 share of the cost of providing permanent placement services
12 pursuant to subdivision (c) of Section 16508 and administering
13 the Aid to Families with Dependent Children Foster Care program
14 pursuant to Section 15204.9. For purposes of budgeting, the
15 department shall use a standard for the permanent placement
16 services that is equal to the midpoint between the budgeting
17 standards for family maintenance services and family reunification
18 services.

19 (3) (A) (i) Notwithstanding any other law, a county's required
20 total contribution pursuant to paragraphs (1) and (2) shall not
21 exceed the amount of savings in Kin-GAP assistance grant
22 expenditures realized by the county from the receipt of federal
23 funds due to the implementation of Article 4.7 (commencing with
24 Section 11385), and the amount of funding specifically included
25 in the Protective Services Subaccount within the Support Services
26 Account within the Local Revenue Fund 2011, plus any associated
27 growth funding from the Support Services Growth Subaccount
28 within the Sales and Use Tax Growth Account to pay the costs of
29 extending aid pursuant to this section.

30 (ii) A county, at its own discretion, may expend additional funds
31 beyond the amounts identified in clause (i). These additional
32 amounts shall not be included in any cost and savings calculations
33 or comparisons performed pursuant to this section.

34 (B) Funding and expenditures for programs and activities under
35 this section shall be in accordance with the requirements provided
36 in Sections 30025 and 30026.5 of the Government Code. In
37 addition, the following are available to the counties for the purpose
38 of funding costs pursuant to this section:

1 (i) The savings in Kin-GAP assistance grant expenditures
2 realized from the receipt of federal funds due to the implementation
3 of Article 4.7 (commencing with Section 11385).

4 (ii) The savings realized from the change in federal funding for
5 adoption assistance resulting from the enactment of ~~Public Law~~
6 ~~110-351~~ *the federal Fostering Connection to Success and*
7 *Increasing Adoption Act of 2008 (Public Law 110-351)* and
8 consistent with subdivision (d) of Section 16118.

9 (4) (A) The limit on the county's total contribution pursuant to
10 paragraph (3) shall be assessed by the State Department of Social
11 Services, in conjunction with the California State Association of
12 Counties, in 2015–16, to determine if it shall be removed. The
13 assessment of the need for the limit shall be based on a
14 determination on a statewide basis of whether the actual county
15 costs of providing extended care pursuant to this section are fully
16 funded by the amount of savings in Kin-GAP assistance grant
17 expenditures realized by the counties from the receipt of federal
18 funds due to the implementation of Article 4.7 (commencing with
19 Section 11385) and the amount of funding specifically included
20 in the Protective Services Subaccount within the Support Services
21 Account within the Local Revenue Fund 2011 plus any associated
22 growth funding from the Support Services Growth Subaccount
23 within the Sales and Use Tax Growth Account to pay the costs of
24 extending aid pursuant to this section.

25 (B) If the assessment pursuant to subparagraph (A) shows that
26 the statewide total costs of extending aid pursuant to this section
27 are fully funded by the amount of savings in Kin-GAP assistance
28 grant expenditures realized by the counties from the receipt of
29 federal funds due to the implementation of Article 4.7
30 (commencing with Section 11385) and the amount of funding
31 specifically included in the Protective Services Subaccount within
32 the Support Services Account within the Local Revenue Fund
33 2011 plus any associated growth funding from the Support Services
34 Growth Subaccount within the Sales and Use Tax Growth Account
35 to pay the costs of extending aid pursuant to this section, the
36 Department of Finance shall certify that fact, in writing, and shall
37 post the certification on its Internet Web site, at which time
38 subparagraph (A) of paragraph (3) shall no longer be implemented.

39 (h) It is the intent of the Legislature that no county currently
40 participating in the Child Welfare Demonstration Capped

1 Allocation Project be adversely impacted by the department's
2 exercise of its option to extend foster care benefits pursuant to
3 Section 673(a)(4) and Section 675(8) of Title 42 of the United
4 States Code in the federal Social Security Act, as contained in the
5 federal Fostering Connections to Success and Increasing Adoptions
6 Act of 2008 (Public Law 110-351). Therefore, the department shall
7 negotiate with the United States Department of Health and Human
8 Services on behalf of those counties that are currently participating
9 in the demonstration project to ensure that those counties receive
10 reimbursement for these new programs outside of the provisions
11 of those counties' waiver under Subtitle IV-E (commencing with
12 Section 470) of the federal Social Security Act (42 U.S.C. Sec.
13 670 et seq.).

14 (i) The department, on or before July 1, 2013, shall develop
15 regulations to implement this section in consultation with
16 concerned stakeholders, including, but not limited to,
17 representatives of the Legislature, the County Welfare Directors
18 Association, the Chief Probation Officers of California, the Judicial
19 Council, representatives of Indian tribes, the California Youth
20 Connection, former foster youth, child advocacy organizations,
21 labor organizations, juvenile justice advocacy organizations, foster
22 caregiver organizations, and researchers. In the development of
23 these regulations, the department shall consider its Manual of
24 Policy and Procedures, Division 30, ~~Chapter~~ *Chapters* 30-912,
25 913, 916, and 917, as guidelines for developing regulations that
26 are appropriate for young adults who can exercise incremental
27 responsibility concurrently with their growth and development.
28 The department, in its consultation with stakeholders, shall take
29 into consideration the impact to the ~~Automated Child Welfare~~
30 ~~Services Case Management Services (CWS-CMS)~~ *automated*
31 *Child Welfare Services Case Management System (CWS/CMS)*
32 and required modifications needed to accommodate eligibility
33 determination under this section, benefit issuance, case
34 management across counties, and recognition of the legal status
35 of nonminor dependents as adults, as well as changes to data
36 tracking and reporting requirements as required by the Child
37 Welfare System Improvement and Accountability Act as specified
38 in Section 10601.2, and federal outcome measures as required by
39 the federal John H. Chafee Foster Care Independence Program (42
40 U.S.C. Sec. 677(f)). In addition, the department, in its consultation

1 with stakeholders, shall define the supervised independent living
2 setting which shall include, but not be limited to, apartment living,
3 room and board arrangements, college or university dormitories,
4 and shared roommate settings, and define how those settings meet
5 health and safety standards suitable for nonminors. The department,
6 in its consultation with stakeholders, shall define the six-month
7 certification of the conditions of eligibility pursuant to subdivision
8 (b) to be consistent with the flexibility provided by federal policy
9 guidance, to ensure that there are ample supports for a nonminor
10 to achieve the goals of his or her transition independent living case
11 plan. The department, in its consultation with stakeholders, shall
12 ensure that notices of action and other forms created to inform the
13 nonminor of due process rights and how to access them shall be
14 developed, using language consistent with the special needs of the
15 nonminor dependent population.

16 (j) Notwithstanding the Administrative Procedure Act, Chapter
17 3.5 (commencing with Section 11340) of Part 1 of Division 3 of
18 Title 2 of the Government Code, the department shall prepare for
19 implementation of the applicable provisions of this section by
20 publishing, after consultation with the stakeholders listed in
21 subdivision (i), all-county letters or similar instructions from the
22 director by October 1, 2011, to be effective January 1, 2012.
23 Emergency regulations to implement the applicable provisions of
24 this act may be adopted by the director in accordance with the
25 Administrative Procedure Act. The initial adoption of the
26 emergency regulations and one readoption of the emergency
27 regulations shall be deemed to be an emergency and necessary for
28 the immediate preservation of the public peace, health, safety, or
29 general welfare. Initial emergency regulations and the first
30 readoption of those emergency regulations shall be exempt from
31 review by the Office of Administrative Law. The emergency
32 regulations authorized by this section shall be submitted to the
33 Office of Administrative Law for filing with the Secretary of State
34 and shall remain in effect for no more than 180 days.

35 SEC. 9. Section 11405 of the Welfare and Institutions Code is
36 amended to read:

37 11405. (a) Except for nonminors described in paragraph (2)
38 of subdivision (e), AFDC-FC benefits shall be paid to an otherwise
39 eligible child living with a nonrelated legal guardian, provided

1 that the legal guardian cooperates with the county welfare
2 department in all of the following:

3 (1) Developing a written assessment of the child's needs.

4 (2) Updating the assessment no less frequently than once every
5 six months.

6 (3) Carrying out the case plan developed by the county.

7 (b) Except for nonminors described in paragraph (2) of
8 subdivision (e), when AFDC-FC is applied for on behalf of a child
9 living with a nonrelated legal guardian the county welfare
10 department shall do all of the following:

11 (1) Develop a written assessment of the child's needs.

12 (2) Update those assessments no less frequently than once every
13 six months.

14 (3) Develop a case plan that specifies how the problems
15 identified in the assessment are to be addressed.

16 (4) Make visits to the child as often as appropriate, but in no
17 event less often than once every six months.

18 (c) Where the child is a parent and has a child living with him
19 or her in the same eligible facility, the assessment required by
20 paragraph (1) of subdivision (a) shall include the needs of his or
21 her child.

22 (d) Nonrelated legal guardians of eligible children who are in
23 receipt of AFDC-FC payments described in this section shall be
24 exempt from the requirement to register with the Statewide
25 Registry of Private Professional Guardians pursuant to Sections
26 2850 and 2851 of the Probate Code.

27 (e) (1) A nonminor youth whose nonrelated guardianship was
28 ordered in juvenile court pursuant to Section 360 or 366.26, and
29 whose dependency was dismissed, shall remain eligible for
30 AFDC-FC benefits until the youth attains 21 years of age, provided
31 that the youth enters into a mutual agreement with the agency
32 responsible for his or her guardianship, and the youth is meeting
33 the conditions of eligibility, as described in paragraphs (1) to (5),
34 inclusive, of subdivision (b) of Section 11403.

35 (2) A nonminor former dependent or ward as defined in
36 paragraph (2) of subdivision (aa) of Section 11400 shall be eligible
37 for benefits under this section until the youth attains 21 years of
38 age if all of the following conditions are met:

1 (A) The nonminor former dependent or ward attained 18 years
2 of age while in receipt of Kin-GAP benefits pursuant to Article
3 4.7 (commencing with Section 11385).

4 (B) The nonminor's relationship to the kinship guardian is
5 defined in paragraph (2), (3), or (4) of subdivision (c) of Section
6 11391.

7 (C) The nonminor who was under 16 years of age at the time
8 the Kin-GAP negotiated agreement payments commenced.

9 (D) The guardian continues to be responsible for the support of
10 the nonminor.

11 (E) The nonminor otherwise is meeting the conditions of
12 eligibility, as described in paragraphs (1) to (5), inclusive, of
13 subdivision (b) of Section 11403.

14 (f) A child whose nonrelated guardianship was ordered in
15 probate court pursuant to Article 2 (commencing with Section
16 1510) of Chapter 1 of Part 2 of Division 4 of the Probate Code,
17 who is attending high school or the equivalent level of vocational
18 or technical training on a full-time basis, or who is in the process
19 of pursuing a high school equivalency certificate prior to his or
20 her 18th birthday may continue to receive aid following his or her
21 18th birthday as long as the child continues to reside in the
22 guardian's home, remains otherwise eligible for AFDC-FC benefits
23 and continues to attend high school or the equivalent level of
24 vocational or technical training on a full-time basis, or continues
25 to pursue a high school equivalency certificate, and the child may
26 reasonably be expected to complete the educational or training
27 program or to receive a high school equivalency certificate, before
28 his or her 19th birthday. Aid shall be provided to an individual
29 pursuant to this section provided that both the individual and the
30 agency responsible for the foster care placement have signed a
31 mutual agreement, if the individual is capable of making an
32 informed agreement, documenting the continued need for
33 out-of-home placement.

34 (g) (1) For cases in which a guardianship was established on
35 or before June 30, 2011, or the date specified in a final order, for
36 which the time for appeal has passed, issued by a court of
37 competent jurisdiction in California State Foster Parent
38 Association, et al. v. William Lightbourne, et al. (U.S. Dist. Ct.
39 No. C 07-05086 WHA), whichever is earlier, the AFDC-FC
40 payment described in this section shall be the foster family home

1 rate structure in effect prior to the effective date specified in the
2 order described in this paragraph.

3 (2) For cases in which guardianship has been established on or
4 after July 1, 2011, or the date specified in the order described in
5 paragraph (1), whichever is earlier, the AFDC-FC payments
6 described in this section shall be the basic foster family home rate
7 set forth in paragraph (1) of subdivision (g) of Section 11461.

8 (3) The AFDC-FC payments identified in this subdivision shall
9 be adjusted annually by the percentage change in the California
10 Necessities Index rate as set forth in paragraph (2) of subdivision
11 (g) of Section 11461.

12 (h) In addition to the AFDC-FC rate paid, all of the following
13 also shall be paid:

14 (1) A specialized care increment, if applicable, as set forth in
15 subdivision (e) of Section 11461.

16 (2) A clothing allowance, as set forth in subdivision (f) of
17 Section 11461.

18 (3) For a child eligible for an AFDC-FC payment who is a teen
19 parent, the rate shall include the two hundred dollar (\$200) monthly
20 payment made to the relative caregiver in a whole family foster
21 home pursuant to paragraph (3) of subdivision (d) of Section
22 11465.

23 SEC. 10. If the Commission on State Mandates determines
24 that this act contains costs mandated by the state, reimbursement
25 to local agencies and school districts for those costs shall be made
26 pursuant to Part 7 (commencing with Section 17500) of Division
27 4 of Title 2 of the Government Code.